

THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	CRIMINAL NO. 4:17CR096
	§	
CAROLYN CORDOVA	§	

**REPORT AND RECOMMENDATION ON
DEFENDANT'S COMPETENCY TO STAND TRIAL**

Pursuant to 28 U.S.C. § 636(b) and the Local Rules for the United States District Court for the Eastern District of Texas, this criminal proceeding is before the undersigned United States Magistrate Judge.

On October 25, 2017 and October 27, 2017 respectively, Defendant's counsel filed a Motion for Psychiatric Examination [Dkt. 55] and an Unopposed Motion for Psychiatric Exam [Dkt. 56] seeking a psychiatric examination, pursuant to 18 U.S.C. §§ 4241 at an appropriate Bureau of Prisons facility, and that a psychiatric report of findings be filed with the Court consistent with 18 U.S.C. §§ 4247(b). The Court granted the motions on October 31, 2017 [Dkt. 57]. Defendant was subsequently evaluated by Dr. Amor Correa, whose report was reviewed by Dr. Daniel D. Kim. The Court has received the report from the Bureau of Prisons, and copies have been furnished to the Assistant United States Attorney and defense counsel [Dkt. 66].

A competency hearing was conducted on January 16, 2018, before U.S. Magistrate Judge Christine A. Nowak where the report was admitted. At the hearing, Defendant appeared in court with her counsel, Matthew Hamilton. Defendant was given the opportunity to present evidence and call witnesses. Defendant did not offer any witnesses or evidence. Moreover, Defendant did not present any objections to the report, including Dr. Correa's opinions on competency. The Government also did not object to the report findings.

Drs. Correa's report concludes, Defendant "is currently competent to stand trial. She is not suffering from a mental disease or defect rendering her mentally incompetent to the extent she is unable to understand the nature and consequences of the proceedings against her or properly assist in her own defense, or to understand the consequences and significance of pleading guilty to the charges against her."

The undersigned considered the report and concludes that Defendant is not mentally incompetent and is able to understand the nature and consequences of the proceedings against her and to assist properly in her defense.

RECOMMENDATION

For the foregoing reasons, the Court recommends that Defendant be found competent to stand trial because she understands the nature and consequences of the proceedings against her and is able to assist in her defense. See 18 U.S.C. § 4241. It is further recommended that the speedy trial time be excluded from October 25, 2017 (the date the Defendant filed the Motion for Psychological and/or Psychiatric Examination), until the date on which the District Judge signs the order adopting this report and recommendation.

Both Parties waived the fourteen (14) day objection period.

SIGNED this 16th day of January, 2018.

A handwritten signature in black ink, appearing to read 'C.A. Nowak', written over a horizontal line.

Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE